

January 15, 2008

Minutes of the City Council Meeting held on Tuesday, January 15, 2008 at Alpine City Hall, 20 North Main, Alpine, Utah 84004 at 7:00 pm:

The following members were present and constituted a quorum:

Mayor Hunt Willoughby

City Council Members: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch

Staff: Ted Stillman, Shane Sorensen, Janis H. Williams, Jay Healey, April Riley, Kip Botkin, *Police Chief* and David Church

Others: Jannicke Brewer, Tessa White, *The Lone Peak Press*, Luke Yamada, Hunter Christensen, Dane Warwick, Alex Pocock, Cole Johnson, Taylor Larsen, Ethan Wright, Matt Lee, Rick Christensen, Jonathan Johnson and Hata Puriri

I. CALL TO ORDER. Mayor Hunt Willoughby called the City Council Meeting to order at 7:00 pm and welcomed those in attendance. Mayor Willoughby excused Kimberly Bryant.

II. PRAYER/OPENING COMMENTS – Thomas Whitchurch

III. PLEDGE OF ALLEGIANCE. Luke Yamada from Troop 1108 led the audience in the Pledge of Allegiance.

Mayor Willoughby introduced the new City Council Members and said that Janis H. Williams, City Recorder, would perform the duties of swearing in Kent Hastings and Jim Tracy who will begin their duties of City Council Members for a four-year term. Kimberly Bryant was not present and will be sworn in at a later date.

IV. PUBLIC COMMENT. Time has been set-aside for the public to express their ideas, concerns and comments on items not on the agenda.

Tessa White asked the Council to consider advertising Public Hearings along with the topic on an A-frame sign in the park to let the residents know of them. Mayor Willoughby said we need to make our residents more pro-active in using the City's web page which is alpinecity.org. Thomas Whitchurch suggested that we revisit the idea of having a community event sign in this year's budget.

V. CONSENT CALENDAR –

Business Licenses:

James & Catherine Johnston – CIRCLE JC MANAGEMENT; 1296 E. Oakwood Circle

MOTION: Thomas Whitchurch moved to approve the Consent Calendar. Kent Hastings seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

VI. ACTION ITEMS

A. SWEARING IN OF NEW CITY COUNCIL MEMBERS. This item was accomplished earlier in the evening.

B. FROZEN HOG BIKE RACE. Ted Stillman said that on February 2, 2008, the Utah Mountain Biking Association will hold their annual Frozen Hog Mountain Biking Race in Lambert Park. Bruce Argyle addressed the Council and outlined the event and requested there be City Council approval. Mr. Argyle said this has been an annual event since the turn of the century (2000) and said there will be approximately 150 racers. Mayor Willoughby participated in this race last year and planned on participating this year. Last

year \$600.00 was donated to the City for improvements to the trail system from proceeds of the bike race.

MOTION: Tracy Wallace moved to approve the Frozen Hog Mountain Bike Race as presented. Thomas Whitchurch seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

C. PRESSURIZED IRRIGATION SYSTEM UPGRADES. Shane Sorensen said that Horrocks Engineers have been working to update the needs of the Pressurized Irrigation system. One of the main improvements they have found is the need for a new pressurized irrigation reservoir to serve the middle zone. It is proposed that the Lambert culinary water tank be converted to a pressurized irrigation tank and that a new culinary water tank be constructed on the east side of the City. Shane Sorensen said the fire flow would be maintained that is needed for the City. Kent Hastings asked if we have looked at the cost of doing this vs. the cost of metering culinary water use all year long and Shane Sorensen said that currently we read water meters three times a year. We have requested a \$25,000 grant from the Division of Water Resources to buy some "Smart Meters" to use for a pilot program. Jim Tracy suggested that we participate in the "Slow the Flow" program and felt this would encourage residents to conserve their watering. Shane Sorensen said we have checked everything out and can now move forward.

Jannicke Brewer had questions about the table that was in the City Council member's packets and Shane Sorensen explained that an equivalent lot equaled 10,000 sq. ft.

Shane Sorensen said he would be ready to bring back a proposal for action if he is given the direction to move forward.

D. CANYON BROOK SUBDIVISION REINSTATEMENT. Ted Stillman said that Steve Larsen, developer of the Canyon Brook PRD Subdivision, is requesting an extension of the final plat for this subdivision. The Canyon Brook PRD Subdivision consists of three lots on approximately 50.01 acres in the CE-5 zone and the development is located on the east and west sides of Fort Canyon Road. The lots range in size from 1.37 to 6.02 acres with a total of 42.03 acres of common area open space provided. The area along Fort Creek is shown in a conservation easement with a minimum of 50 feet and all of the open space will be left as natural open space that cannot be developed.

Final approval was granted by the City Council on June 26, 2006 and the reinstatement expired on December 26, 2007. Nothing has changed on the final plat and no ordinances have been changed that would affect the final plat. The Planning Commission recommended reinstatement of the final plat at their meeting of January 8, 2008 with the following motion:

"Steve McArthur recommended reinstatement of the Canyon Brook Subdivision final plat based on the finding that there were no changes to the plat and there were no new ordinances that affected the subdivision. Brad Reneer seconded. Ayes: 5 Nays 1. Steve McArthur, Steve Cospers, Jannicke Brewer, Brad Reneer and Troy Stout voted aye. Jason Thelin voted nay saying he had consistently voted against approval of the subdivision because he felt the open space should be public rather than private. Motion passed."

MOTION: Kent Hastings moved that the City Council reinstate the Canyon Brook Subdivision final plat. Thomas Whitchurch seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

E. APPOINTMENT OF JUSTICE COURT JUDGE. Mayor Hunt Willoughby said that on November 5, 2007 the City received a letter from Judge Anthony Terry written to Mayor Franson of Highland asking that "you do not consider me for reappointment to this position upon the expiration of my term of service." Mayor Hunt Willoughby noted this letter under Communication at the November 13, 2007 Alpine City Council Meeting. Mr. Stillman said that Alpine has its own Justice Court. Highland City subsequently recruited for the Justice Court position and interviewed three applicants. At their City Council Meeting of January 8, 2008 and appointed Darwin Poulson as Justice Court Judge. Judge Poulson served at Alpine and Highland Justice Court Judge from 1990 to 2005 and resigned to fulfill an LDS Church Mission and Judge

Terry was actually filling Judge Poulson's expired term. The Justice Court Judge is appointed by the Mayor with the advice and consent of the City Council. The term of appointment is four years.

Kent Hastings asked if there have been any complaints about Judge Darwin Poulson and David Church said that he is very professional. Mr. Church further stated there is a likelihood that the Legislature is going to change the Justice Court Judge system and felt it would be best if we had a Judge that had the knowledge that Judge Poulson has.

Jim Tracy said he had an opportunity to sit in Judge Terry's court and noted that only 25% of the cases heard were Alpine cases. Jim Tracy asked if rent was going to be assessed since there is going to be a new Court Building in Highland. Ted Stillman said we do not know exactly what the rent is going to be yet and then further explained the number of cases heard doesn't translate into service. Alpine pays 39% of the Court costs and Highland pays 61% based on population and Highland is growing faster than Alpine. David Church said there will be a trade-off with costs of rent an holding our own court.

MOTION: Kent Hastings moved that the City Council ratifies Mayor Hunt Willoughby's reappointment of Darwin Poulson as Alpine Justice Court Judge. Thomas Whitchurch seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

F. PURCHASE OF THE MORTENSEN PROPERTY. Ted Stillman said that Hata Puriri had been working with Dan Mortensen regarding the City's purchase of 0.74 acres adjacent to Burgess Park. The property would be used as an historic area with historic buildings and access from Burgess Park. Mr. Mortensen is willing to sell the 0.74 acres for \$225,000 and could be purchased within the existing budget as follows:

Eliminate the 300 North Park	\$ 75,000
Reduce 600 East cost	\$100,000
Eliminate Cemetery expansion	<u>\$ 50,000</u>
Total	\$225,000

Shane Sorensen said to reduce the cost of improving 600 East would be to patch the asphalt and add to the existing asphalt. Mr. Sorensen felt the existing asphalt was not very good and this would not be a very good option.

Thomas Whitchurch said that if we are going to move \$75,000 from the 300 North Park fund, he thought it should go to improvements on the 100 South Park as he is anxious to see the construction of that park begin. Councilman Whitchurch said he would like to see the Mortensen property project put in next year's budget.

Jim Tracy indicated that \$225,000 would pay for the pavilion, bathrooms, gazebo and playground equipment on the 100 South Park and felt the residents would use that park more on a daily basis. Jim Tracy said he didn't see where the PRO Committee approached the City telling us we needed another historical park, but felt the process with the City being approached by the landowner offering his property as a park was backwards. Hata Puriri said this proposed property purchase was not instigated by the landowner and the residents that he has talked to think this would be a good historical park and have welcomed the idea of having one in the downtown area. Mr. Puriri felt that to pass this opportunity up would not be wise. Ted Stillman said the appraisal on that property for $\frac{3}{4}$ of an acre was \$145,000. Tracy Wallace agreed with Thomas Whitchurch and said he would like to see if we can't move some money around to come up with a portion of the money for a down payment and then put the remaining money in next year's budget. David Church said the appraised value was discounted because the property was landlocked; however, it was not landlocked to the City as the property is adjacent to Burgess Park and can be accessed on that side. It is not landlocked if the old house was torn down and Mr. Mortensen did not want that to happen.

David Church felt that to not develop the 100 South Park this year would make the City look bad - it would look like we did not need the park. Hata Puriri said that he remembered that we paid almost double what was budgeted for the 100 South Park and some of that money was to be used for improvements. Kent Hastings asked David Church if we would be complying with the spirit and letter of the law to by phasing the

100 South Park project and still be able to do the safety enhancements on 600 East and then accrue more money for a couple of years to do the rest of the improvements as we can't do much with \$300,000 which is the amount budgeted for in this year's budget. Mr. Church felt we needed to move doing improvements on this park as we made some representations that we needed this property for a park. Jannicke Brewer said that the PRO Committee feels there is a need for a park on the west side of town and they will talk about this at their next meeting.

Kent Hastings recommended that we enter into an agreement with Dan Mortensen that the City plans to go forward and this will bind the City and also Dan Mortensen. David Church said that Ted Stillman and himself will negotiate an option and bring back the agreement.

MOTION: Thomas Whitchurch moved that we instruct staff to return and discuss with Dan Mortensen the feasibility of giving him \$75,000 out of this year's budget, removing the 300 North Park project from our plan and making up the rest of the purchase price of \$225,000 in next year's budget. Kent Hastings seconded. Ayes: Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 1. Jim Tracy voted Nay. Motion passed.

VII. REPORTS

VIII. COMMUNICATION

JIM TRACY –

1. Asked if we hired an engineer to do a study on the traffic on Main Street and 100 North as a result of the accident that killed Iris Bullock. Shane Sorensen said that by next meeting he will have something for the agenda.
2. Suggested that we put up a professionally done sign for Public Hearings that pertain to the future park on 100 South.

THOMAS WHITCHURCH –

1. Went to his first Public Safety District Meeting.
2. Asked about getting sworn in on the Solid Waste District Board. Mayor Hunt Willoughby said he needs to write a letter stating he is the replacement and needs to be sworn in by the County Clerk.

HUNT WILLOUGHBY – Asked about the Utah League of Cities and Towns April 10th and 11th Conference in St. George. We need to know so that reservations can be made.

TED STILLMAN – Sent an e-mail about the Recreation District. Ted Stillman stated Cedar Hills' position and said this can be put on the agenda when the Council is ready.

SHANE SORENSEN– Wayne Patterson called and said he purchased the Knudsen brother's portion of Wadsworth Springs. Mr. Patterson would like to look at the possibility of improving that spring. Shane Sorensen said we see that water is available early in the year and that is not the most useful to us as we have a lot of water in the creek. This spring is on the Forest Service property and Wayne Patterson is trying to work with them and asked if we would have an interest in participating financially. We said the cost benefit would not be that great to us and Wayne Patterson then asked if he bore 100% of the cost would we file jointly with him. Shane Sorensen said we would not use this water as a culinary source and Hunt Willoughby asked if Mr. Patterson could use this as a culinary source. Shane Sorensen said that Wayne Patterson applied for a change of use and it was approved for irrigation water. Mr. Patterson has to prove that he is using this water up on Pine Grove. Shane Sorensen said the City has more flexibility to bank water than an individual does.

Mayor Hunt Willoughby asked if the reason Wayne Patterson wants to have joint ownership would be to refurbish the well to increase water flow and to have the name of the City and have full rights. This can be brought back as an action item next week

TED STILLMAN – Reported on the cutting down of the trees in Legacy Park.

TRACY WALLACE – Said there were good discussions in the Planning Commission meeting and he is going to enjoy his assignment there.

IX. EXECUTIVE SESSION to discuss Litigation, Property Acquisition and Personnel

X. APPROVAL OF MINUTES

City Council Meeting of December 18, 2007

MOTION: Kent Hastings moved to approve the City Council Meeting minutes of December 28, 2007 and adjourn. Thomas Whitchurch seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

The meeting adjourned at 8:45 pm.